

**UNDER SEAL**

1. Defendant JUAN FERNANDO LICEA-CEDILLO, aka ALVARO GALICIA CASTRO, aka CACAHUATE, was an organizer and leader of a human smuggling operation. He concealed, harbored, and transported aliens who had been smuggled into the United States by him and by others working with and for him and also coordinated and facilitated the transportation and

harboring of aliens who had been smuggled into the United States by others, known and unknown to the grand jury, including but not limited to defendants ROGELIO HERNANDEZ RAMOS and GUILLERMO MADRIGAL BALLESTEROS.

2. Defendant ROGELIO HERNANDEZ RAMOS was an individual who concealed, harbored, and transported aliens who had been smuggled into the United States by him and by others working with and for him and who contributed aliens he was smuggling to loads of aliens being transported by defendant JUAN FERNANDO LICEA-CEDILLO and others working with and for him.

3. Defendant GUILLERMO MADRIGAL BALLESTEROS aka DON MEMO was an individual who worked with JUAN FERNANDO LICEA-CEDILLO and recruited or assisted in recruiting persons from Central America to be transported through Mexico and smuggled into the United States, and concealed, harbored, and transported those aliens in the United States.

4. During the course of the events alleged in this Indictment, Defendants JUAN FERNANDO LICEA-CEDILLO, GUILLERMO MADRIGAL BALLESTEROS and ROGELIO HERNANDEZ RAMOS transported a load of undocumented aliens in a Union Pacific railroad car, which was latched shut, on June 15-16, 2002, or had them transported. JUAN FERNANDO LICEA-CEDILLO, GUILLERMO MADRIGAL BALLESTEROS, ROGELIO HERNANDEZ RAMOS, and other unidentified individuals working with and for them failed to let the aliens out of the railroad car, as a result of which the aliens, Lely Elizabet Ferrufino, Lesly Esmeralda Ferrufino, Rosibel Ferrufino, Mercedes Gertrudis Guido Lorente, Bayron Adner Acevedo, Pedro Amador Lopez, Domingo Ardon Sibrian, Isidro Avila Bueso, Juan Enrique Reyes Meza, Omar Esparza Contreras, and Roberto Esparza Rico, died of dehydration and hyperthermia. The aliens remained in the

railroad car until they were found on or about October 14, 2002, in Denison, Iowa.

**COUNT ONE**

From at least on or about March 10, 1998, to on or about February 17, 2003, in the Southern District of Texas, and elsewhere, within the jurisdiction of this court,

**JUAN FERNANDO LICEA-CEDILLO,**  
**aka Alvaro Galicia Castro,**  
**aka Cacahuate,**

**ROGELIO HERNANDEZ RAMOS,**

**and**

**GUILLERMO MADRIGAL BALLESTEROS,**  
**aka Don Memo,**

defendants herein, knowing and in reckless disregard of the fact that certain persons known and unknown to the grand jury were aliens who had come to, entered, and remained in the United States in violation of law, did unlawfully, knowingly, and intentionally combine, conspire, confederate, and agree with each other and with other persons known and unknown to the grand jury,

(1) to bring to the United States in any manner whatsoever said aliens at a place other than a designated port of entry or place other than as designated by the Commissioner of the Immigration and Naturalization Service and its successor agency, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(i);

(2) to conceal, harbor, and shield from detection and attempt to conceal, harbor, and shield from detection said aliens in furtherance of such violation of law, within the Southern District of Texas, for the purpose of commercial advantage and private financial gain, during and in relation to which the defendants caused serious injury to a person, placed in jeopardy the life of a person, and

the death of a person resulted, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii);  
and

(3) to transport, move, attempt to transport, and attempt to move said aliens by means of transportation and otherwise, in furtherance of such violation of law, within the Southern District of Texas, for the purpose of commercial advantage and private financial gain, during and in relation to which the defendants caused serious injury to a person, placed in jeopardy the life of a person, and the death of a person resulted, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii).

### **The Manner and Means of the Conspiracy**

It was a part of the conspiracy that

1. GUILLERMO MADRIGAL BALLESTEROS, aka DON MEMO ("MADRIGAL") would and did travel from the Southern District of Texas to Mexico to smuggle aliens who had come from Central America, through Mexico and into the United States.
2. JUAN FERNANDO LICEA-CEDILLO aka ALVARO GALICIA CASTRO aka CACAHUATE ("LICEA") would and did recruit and employ drivers to transport the smuggled aliens from the Rio Grande River to residences, referred to as "stash houses," which LICEA and others maintained in or near Harlingen, Texas, and to transport smuggled aliens from the stash houses to the railroad freight yards in or near Harlingen, Texas, and to other locations, for the purpose of concealing the smuggled aliens from Border Patrol agents, and transporting them further north to Houston, Texas, and other parts of the United States.
3. ROGELIO HERNANDEZ RAMOS ("HERNANDEZ") would and did house smuggled aliens in stash houses in or near Harlingen, Texas, and cause them to be transported to the railroad freight yards in or near Harlingen, Texas, where they were loaded onto northbound trains.

4. LICEA would and did call relatives of the smuggled aliens in the United States and demand that the relatives pay smuggling fees LICEA demanded, most frequently through Western Union, before LICEA would transport the aliens north of Harlingen, Texas, or permit them to be transported north of Harlingen, Texas.

5. LICEA would and did have the aliens speak with the aliens' relatives to persuade and encourage the relatives to send LICEA and others the money they demanded for the harboring and further transportation of the aliens.

6. LICEA, MADRIGAL and others would and did maintain the stash houses, in and near Harlingen, Texas, into which they packed the smuggled aliens and stored them until the aliens or their relatives paid the demanded smuggling fees.

7. LICEA would and did pick up the smuggling fees sent by the aliens' relatives or direct others working with and for him to pick the fees up from Western Union agents in or near Harlingen, Texas.

8. Once the smuggling fees were received, LICEA would and did transport, attempt to transport, and coordinate and arrange, and attempt to coordinate and arrange, the transportation of the aliens from the stash houses to the railroad tracks and railroad freight yards in or near Harlingen, Texas, for transportation north by rail past the Border Patrol checkpoint at Sarita, Texas.

9. A person employed by Union Pacific Railroad would and did provide Union Pacific train schedule information, including projected train-stopping locations and times, to LICEA and another unidentified co-conspirator, which was needed so that the smugglers would know when and where they could load the aliens into the train.

10. LICEA and his co-conspirator would and did pay the Union Pacific Railroad

employee in cash for this information at various locations in and near Harlingen, Texas.

11. LICEA and other co-conspirators would and did load the aliens into railroad cars and arrange for them to be loaded into railroad cars, in some instances causing them to be locked inside the railroad cars by securing latches attached to fiberglass doors on the tops of the cars.

12. LICEA and others working for and with him and other unidentified co-conspirators would and did make arrangements or attempt to make arrangements to unload the smuggled aliens from the railroad cars in and near Kingsville, Texas, once the trains had passed the Border Patrol checkpoint in Sarita, Texas.

13. Co-conspirators would and did operate and maintain stash houses in and near Kingsville, Texas, into which LICEA and others working for and with him packed the aliens until the aliens could be transported further north, to Houston, Texas, and to other parts of the United States.

14. LICEA and other co-conspirators would and did transport the aliens by vehicle from Kingsville, Texas, to Houston, Texas, where the aliens were housed by other unidentified co-conspirators and then transported to other parts of the United States.

#### **Overt Acts in Furtherance of the Conspiracy**

In furtherance of the conspiracy and to effect the objects thereof, the defendants named herein and other persons both known and unknown to the grand jury, performed or caused the performance of the following overt acts, among others not described herein, in the Southern District of Texas and elsewhere:

(1) On or about June 8, 2002, MADRIGAL received from Armando Ardon Sibrian \$1,050, sent by Western Union to pay the partial smuggling fee for undocumented alien Domingo

Ardon Sibrian, who was found dead in a railroad car in Denison, Iowa, on October 14, 2002.

(2) On or about June 9, 2002, MADRIGAL directed Erasmo Ortega to send a partial payment for the smuggling fee of undocumented alien Isidro Avila Bueso, in the amount of \$1,200, to designated recipient Guillermo Madrigal Ballesteros, in Mexico City, Mexico. Bueso was found dead in a railroad car in Denison, Iowa, on October 14, 2002.

(3) On or about June 9, 2002, MADRIGAL received from Erasmo Ortega \$1,200, sent by Western Union to pay the partial smuggling fee for undocumented alien Isidro Avila Bueso.

(4) On or about June 10, 2002, LICEA received from Leyda Peralta \$600, sent by Western Union to pay the partial smuggling fee for undocumented aliens Jasmin Johana Funez-Munoz and Manuel Alexis Funez.

(5) On or about June 10, 2002, LICEA received from Maritza Noyola \$300, sent by Western Union to pay the partial smuggling fee for undocumented alien Luis Noyola.

(6) On or about June 11, 2002, unindicted co-conspirators, working with MADRIGAL and LICEA, directed and controlled the crossing of the Rio Grande River and unlawful entry into the United States of certain undocumented aliens, including Lely Elizabet Ferrufino, Lesly Esmeralda Ferrufino, Rosibel Ferrufino, and Mercedes Gertrudis Guido Lorente, who were found dead in a railroad car in Denison, Iowa, on October 14, 2002.

(7) On or about June 11, 2002, unindicted co-conspirators, working with MADRIGAL and LICEA, directed and controlled the crossing of the Rio Grande River and unlawful entry into the United States of certain undocumented aliens, including Bayron Adner Acevedo, Pedro Amador Lopez, Domingo Ardon Sibrian, Isidro Avila Bueso, and Juan Enrique Reyes Meza, all of whom were found dead in a railroad car in Denison, Iowa on October 14, 2002.

(8) On or about June 11, 2002, LICEA and other unindicted co-conspirators arranged for the transportation of Lely Elizabet Ferrufino, Lesly Esmeralda Ferrufino, Rosibel Ferrufino, Mercedes Gertrudis Guido Lorente, Bayron Adner Acevedo, Pedro Amador Lopez, Domingo Ardon Sibrian, Isidro Avila Bueso, and Juan Enrique Reyes Meza from the Rio Grande River to a stash house located at or near 1406 Arbor Street, in Harlingen, Texas, which was maintained by LICEA, where the aliens were kept until their smuggling fees were paid or otherwise satisfied and they could be transported further north, past the Sarita, Texas, Border Patrol checkpoint.

(9) On or about June 11, 2002, LICEA directed Carlos Ferrufino to send a partial payment to him for the smuggling fee of Carlos Ferrufino's sister, Lesly Esmeralda Ferrufino, in the amount of \$700.

(10) On or about June 11, 2002, LICEA received from Carlos Ferrufino \$700, sent by Western Union to pay the partial smuggling fee for Lesly Esmeralda Ferrufino.

(11) On or about June 11, 2002, LICEA directed Reyna De La Paz to send a partial payment to him for the smuggling fees of Lesly Esmeralda Ferrufino, Lely Elizabet Ferrufino, and Rosibel Ferrufino, in the amount of \$1,000, with a designated recipient identified as Alvaro Galicia Castro in Harlingen, Texas, an identity LICEA was then using.

(12) On or about June 12, 2002, LICEA received from Antonio Sibrian Garcia \$300, as a partial payment for the smuggling fee of Domingo Ardon Sibrian, sent by Western Union.

(13) On or about June 13, 2002, unindicted co-conspirators, working with and for Rogelio Hernandez Ramos, directed the crossing of the Rio Grande River and unlawful entry into the United States of certain undocumented aliens, including Omar Esparza Contreras and Roberto Esparza Rico, who would ultimately be included in the load of aliens smuggled on the train by LICEA and



MADRIGAL, and who were found dead in a railroad car in Denison, Iowa, on October 15, 2002.

(14) On or about June 13, 2002, Rogelio Hernandez Ramos and others arranged for the transportation of Omar Esparza Contreras and Roberto Esparza Rico to a stash house located in or near 1013 Fair Park, Harlingen, Texas, to remain until the aliens' smuggling fees were paid and they could be transported further north.

(15) On or about June 13, 2002, an unindicted co-conspirator directed Jaime Noe Reyes-Meza to send a partial payment for the smuggling fee of Juan Enrique Reyes Meza, in the amount of \$500, to a designated recipient identified as Maria Evett Vallejo, in Mercedes, Texas, an identity then being used by an unindicted co-conspirator.

(16) On or about June 14, 2002, LICEA directed Eliceo Acevedo to send a partial payment for the smuggling fee of Bayron Acevedo Perez, in the amount of \$300, to a designated recipient identified as Alvaro Galicia Castro, an identity LICEA was then using.

(17) On or about June 14, 2002, LICEA received from Eliceo Acevedo \$300, sent by Western Union as partial payment for the smuggling fee of Bayron Acevedo Perez.

(18) On or about June 14, 2002, LICEA directed Erasmo Ortega to send a partial payment for the smuggling fee of Isidro Avila Bueso, in the amount of \$300, to a designated recipient identified as Alvaro Galicia Castro, an identity LICEA was then using.

(19) On or about June 14, 2002, LICEA received from Erasmo Ortega \$300, sent by Western Union as partial payment for the smuggling fee of Isidro Avila Bueso.

(20) On or about June 14, 2002, Francisco Javier Ulloa sent LICEA \$300 by Western Union as partial payment of the smuggling fee for undocumented alien Juan Alberto Ulloa.

(21) On or about June 15, 2002, an employee of Union Pacific Railroad provided LICEA

and LICEA received information concerning the train schedules for Union Pacific freight trains.

(22) On or about June 15, 2002, LICEA caused the transportation of Lely Elizabet Ferrufino, Lesly Esmeralda Ferrufino, Rosibel Ferrufino, Mercedes Gertrudis Guido Lorente, Bayron Adner Acevedo, Pedro Amador Lopez, Domingo Ardon Sibrian, Isidro Avila Bueso, and Juan Enrique Reyes Meza, by means of a Union Pacific Railroad grain hopper car.

(23) On or about June 15, 2002, HERNANDEZ arranged for the transportation of Omar Esparza Contreras and Roberto Esparza Rico from a stash house in or near Harlingen, Texas, to the freight yards in Harlingen, Texas, where they were packed into the same railroad car as the aliens described in overt act 22.

(24) On or about June 15, 2002, LICEA and HERNANDEZ caused the aliens described in overt acts 22 and 23 to be locked into the railroad car by closing a door on top of the car and securing a latch on the door, which made it impossible for the aliens packed inside to free themselves.

(25) On or about November 14, 2002, LICEA maintained a drop house located at 39 Starbuck Road in Harlingen, Texas, where LICEA and other unidentified co-conspirators kept undocumented aliens until smuggling fee payments were received from them or their relatives to pay for transportation further north.

(26) On or about January 10, 2003, LICEA escorted five undocumented aliens from a mobile home located at and near the intersection of U.S. 77 and Primera Road, Harlingen, Texas, in which the aliens were kept until they could be taken further north, to a white Ford Explorer.

(27) On or about January 13, 2003, a co-conspirator escorted two undocumented aliens to the mobile home located near Harlingen, Texas, in which the aliens were kept until they could be

transported further north.

(28) On or about January 27, 2003, MADRIGAL escorted seven undocumented aliens to the mobile home located near Harlingen, Texas, in which the aliens were kept until they could be transported further north.

(29) On or about February 10, 2003, LICEA and other co-conspirators working with him loaded aliens into a horse trailer outside the mobile home stash house.

(30) On or about February 10, 2003, LICEA drove a vehicle with the attached horse trailer containing undocumented aliens, away from the Big Sky Mobile Home Park.

(31) On or about February 17, 2003, LICEA maintained a drop house located at 1125 Nettie, Kingsville, Texas, where LICEA and others kept undocumented aliens until smuggling fees were received from them or their relatives.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I), 1324(a)(1)(B)(i), 1324(a)(1)(B)(iii), and 1324(a)(1)(B)(iv).

**COUNTS TWO through EIGHT**

On or about June 15, 2002, in the Southern District of Texas, and elsewhere, within the jurisdiction of this court,

**JUAN FERNANDO LICEA-CEDILLO,  
aka Alvaro Galicia Castro,  
aka Cacahuate,**

**and**

**GUILLERMO MADRIGAL BALLESTEROS,  
aka Don Memo,**

defendants herein, aided and abetted by each other and by persons known and unknown to the grand

jury, did knowingly and in reckless disregard of the fact that the aliens identified in Counts Two (2) through Eight (8) herein, were aliens who had come to, entered, and remained in the United States in violation of law, did transport, move, attempt to transport, and attempt to move said aliens in furtherance of such violation of law within the United States, namely, from the railroad freight yards in or near Harlingen, Texas, to points further north within the United States, by means of a railroad grain car, for the purpose of commercial advantage and private financial gain. During and in relation to said violation, the death of a person resulted, namely the following:

COUNT	ALIEN	COUNTRY
2	Bayron Adner Acevedo	Guatemala
3	Pedro Amador Lopez	Honduras
4	Domingo Ardon Sibrian	El Salvador
5	Isidro Avila Bueso	Honduras
6	Lely Elizabet Ferrufino	Honduras
7	Lesly Esmeralda Ferrufino	Honduras
8	Rosibel Ferrufino	Honduras

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(II), 1324(a)(1)(B)(i), and 1324(a)(1)(B)(iv).

**COUNTS NINE through SEVENTEEN**

On or about June 15, 2002, in the Southern District of Texas, and elsewhere, within the jurisdiction of this court,

**JUAN FERNANDO LICEA-CEDILLO,  
aka Alvaro Galicia Castro,  
aka Cacahuate,**

and

**GUILLERMO MADRIGAL BALLESTEROS,  
aka Don Memo,**

defendants herein, aided and abetted by each other and by persons known and unknown to the grand jury, did knowingly and in reckless disregard of the fact that the aliens identified in Counts Nine (9) through Seventeen (17) herein, were aliens who had come to, entered, and remained in the United States in violation of law, did conceal, harbor, and shield from detection, and attempt to conceal, harbor, and shield from detection said aliens in furtherance of such violation of law within the United States for the purpose of commercial advantage and private financial gain, namely the following:

COUNT	ALIEN	COUNTRY
9	Bayron Adner Acevedo	Guatemala
10	Pedro Amador Lopez	Honduras
11	Domingo Ardon Sibrian	El Salvador
12	Isidro Avila Bueso	Honduras
13	Lely Elizabet Ferrufino	Honduras
14	Lesly Esmeralda Ferrufino	Honduras
15	Rosibel Ferrufino	Honduras
16	Mercedes Gertrudis Guido Lorente	Nicaragua
17	Juan Enrique Reyes Meza	Mexico

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II), 1324(a)(1)(B)(i), and 1324(a)(1)(B)(iv).

**COUNTS EIGHTEEN through TWENTY**

On or about June 15, 2002, in the Southern District of Texas, and elsewhere, within the

jurisdiction of this Court,

**ROGELIO HERNANDEZ RAMOS,**

defendant herein, aided and abetted by other persons known and unknown to the Grand Jury, did knowingly and in reckless disregard of the fact that the aliens identified in Counts Eighteen (18) through Twenty (20) herein, were aliens who had come to, entered, and remained in the United States in violation of law, did transport, move, attempt to transport, and attempt to move said aliens in furtherance of such violation of law within the United States, from the railroad freight yards to points further north within the United States and the jurisdiction of this court, by means of a railroad grain car, all for the purpose of commercial advantage and private financial gain, during and in relation to which the defendant placed in jeopardy the life of a person, namely:

COUNT	ALIEN	COUNTRY
18	Omar Esparza Contreras	Mexico
19	Roberto Esparza Rico	Mexico
20	Eduardo Martinez Zavala	Mexico

and the death of certain persons resulted, namely Omar Esparza Contreras and Roberto Esparza Rico.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(II), 1324(a)(1)(B)(i), and 1324(a)(1)(B)(iv).

**COUNTS TWENTY-ONE through TWENTY-THREE**

On or about June 15, 2002, in the Southern District of Texas, and elsewhere, within the jurisdiction of this court,

**ROGELIO HERNANDEZ RAMOS,**

defendant herein, aided and abetted by other persons known and unknown to the grand jury, did

knowingly and in reckless disregard of the fact that the aliens identified in Counts Twenty-One (21) through Twenty-Three (23) herein, were aliens who had come to, entered, and remained in the United States in violation of law, did conceal, harbor, and shield from detection, and attempt to conceal, harbor, and shield from detection said aliens in furtherance of such violation of law within the United States for the purpose of commercial advantage and private financial gain, namely the following:

COUNT	ALIEN	COUNTRY
21	Omar Esparza Contreras	Mexico
22	Roberto Esparza Rico	Mexico
23	Eduardo Martinez Zavala	Mexico

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II), 1324(a)(1)(B)(i), and 1324(a)(1)(B)(iv).

**COUNTS TWENTY-FOUR through TWENTY-SEVEN**

On or about June 15, 2002, in the Southern District of Texas, and elsewhere, within the jurisdiction of this Court,

**JUAN FERNANDO LICEA-CEDILLO,**  
aka Alvaro Galicia Castro,  
aka Cacahuate,

and

**GUILLERMO MADRIGAL BALLESTEROS,**  
aka Don Memo,

defendants herein, aided and abetted by each other and by persons known and unknown to the grand jury, did knowingly and in reckless disregard of the fact that the aliens identified in Counts Twenty-

Four (24) through Twenty-Seven (27) herein, were aliens who had come to, entered, and remained in the United States in violation of law, did conceal, harbor, and shield from detection, and attempt to conceal, harbor, and shield from detection said aliens in furtherance of such violation of law within the United States for the purpose of commercial advantage and private financial gain:

COUNT	ALIEN	COUNTRY
24	Jose Castillo Prieto	Peru
25	Yuri Lideni Ramos	Honduras
26	Jasmin Johana Funez	Honduras
27	Manuel Alexis Funez	Honduras

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(i).

#### **NOTICE OF CRIMINAL FORFEITURE**

Pursuant to Title 18, United States Code, Section 982(a)(6), the United States gives notice that defendants

JUAN FERNANDO LICEA-CEDILLO (Counts 1-17 & 24-27)  
ROGELIO HERNANDEZ RAMOS (Counts 1 & 18-23 )  
GUILLERMO MADRIGAL BALLESTEROS (Counts 1-17 & 24-27)

shall forfeit as a result of the commission of the offenses of Title 8, United States Code, Section 1324 alleged in Counts 1 through 27 of this Indictment:

(a) any conveyance, including any vessel, vehicle, or aircraft used in the commission of the offense; and

(b) any property, real and personal -

(1) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense; or



(2) that was used to facilitate, or was intended to be used to facilitate, the commission of the offense.

In the event that the property that is subject to forfeiture as a result of any act or omission of the defendant(s):

- (1) cannot be located upon exercise of due diligence;
- (2) has been placed beyond the jurisdiction of the Court;
- (3) has been transferred or sold to, or deposited with a third party;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

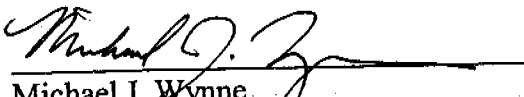
it is the intent of the United States to seek forfeiture of any other property of the defendant(s) up to the value of such property pursuant to Title 18, United States Code, Section 982(b)(1) incorporating Title 21, United States Code, Section 853(p).

A TRUE BILL:

  
FOREPERSON OF THE GRAND JURY

MICHAEL T. SHELBY  
United States Attorney

By:

  
Michael J. Wynne  
Assistant United States Attorney